

BARTLIT BECK HERMAN PALENCHAR & SCOTT LLP
Lester C. Houtz (lester.houtz@bartlit-beck.com)
Karma M. Giulianelli (karma.giulianelli@bartlit-beck.com)
André M. Pauka (andre.pauka@bartlit-beck.com)
Daniel R. Brody (daniel.brody@bartlit-beck.com)
1899 Wynkoop Street, 8th Floor
Denver, CO 80202
Telephone: (303) 592-3100
Facsimile: (303) 592-3140

BARTLIT BECK HERMAN PALENCHAR & SCOTT LLP
Mark E. Ferguson (mark.ferguson@bartlit-beck.com)
54 West Hubbard Street, Suite 300
Chicago, IL 60654
Telephone: (312) 494-4400
Facsimile: (312) 494-4440

Attorneys for Plaintiff Hewlett-Packard Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE OPTICAL DISK DRIVE PRODUCTS
ANTITRUST LITIGATION

MDL Docket No. 3:10-md-02143-RS-JCS

Case No. 3:13-cv-5371-RS

This document relates to:

Hewlett-Packard Company,
Plaintiff,

v.

LG Electronics, Inc., et al.,
Defendants.

**STIPULATION AND ~~PROPOSED~~
ORDER PERMITTING HP TO FILE A
SECOND AMENDED COMPLAINT**

Hon. Richard Seeborg

1 Plaintiff HP and Defendants, through the undersigned counsel, request that the Court enter
2 the following order granting HP leave to file a Second Amended Complaint and extending
3 Defendants' time to answer or otherwise respond to the Second Amended Complaint.

4 WHEREAS, on October 24, 2013, HP filed a Complaint in the United States District
5 Court for the Southern District of Texas, which case and Complaint were subsequently
6 transferred to this Court as part of this MDL;

7 WHEREAS, on April 17, 2014, the Pioneer Defendants filed a motion to dismiss the
8 Complaint and all other Defendants answered the Complaint;

9 WHEREAS, on May 8, 2014, HP filed a First Amended Complaint, pursuant to Fed. R.
10 Civ. P. 15(a)(1)(B) permitting amendment as a matter of course;

11 WHEREAS Defendants' responses to the First Amended Complaint would be due on May
12 22, 2014;

13 WHEREAS HP wishes to file a Second Amended Complaint that would add further
14 particularized factual allegations against the Pioneer Defendants but would not add new legal
15 claims or factual allegations against any other Defendants, except insofar as added factual
16 allegations against the Pioneer Defendants may mention other Defendants;

17 WHEREAS Defendants do not object to the filing of such a Second Amended Complaint;

18 NOW, THEREFORE, it is stipulated by and between the undersigned parties, by their
19 respective attorneys, that:

20 1. HP shall be granted leave to file a Second Amended Complaint within thirty (30) days
21 after the Court's approval of this Stipulation and Proposed Order.

22 2. Defendants shall have forty-five (45) days from the filing of the Second Amended
23 Complaint to respond thereto. To the extent any Defendant or Defendants move to dismiss the
24 Second Amended Complaint, the parties shall work in good faith to reach an agreed-upon briefing
25 schedule that they shall present to the Court no later than fourteen (14) days after the filing of the
26 motion.

27 IT IS SO STIPULATED
28

**BARTLIT BECK HERMAN PALENCHAR
& SCOTT LLP**

/s/ Lester C. Houtz

Lester C. Houtz
Attorneys for Plaintiff
HEWLETT-PACKARD COMPANY

EIMER STAHL LLP

/s/ Nathan P. Eimer

Nathan P. Eimer
Attorneys for Defendants
LG Electronics, Inc. and LG Electronics USA,
Inc.

ROPES & GRAY LLP

/s/ Mark S. Popofsky

Mark S. Popofsky
Attorneys for Defendants
Hitachi-LG Data Storage, Inc. and Hitachi-LG
Data Storage Korea, Inc.

BAKER BOTTS LLP

/s/ John M. Taladay

John M. Taladay
Attorneys for Defendants
Koninklijke Philips N.V.; Philips & Lite-On
Digital Solutions Corporation; Philips & Lite-
On Digital Solutions USA, Inc.; Lite-On It
Corporation of Taiwan

DICKSTEIN SHAPIRO LLP

/s/ Joel B. Kleinman

Joel B. Kleinman
Attorneys for Defendants
BenQ Corporation and BenQ America
Corporation

JONES DAY

/s/ Eric P. Enson

Eric P. Enson
Attorneys for Defendants
Pioneer North America, Inc.; Pioneer
Electronics (USA) Inc.; Pioneer Corporation
and Pioneer High Fidelity Taiwan Co., Ltd. ;

ATTESTATION

Pursuant to Rule 5-1(i)(3) of the Local Rules of Practice in Civil Proceedings Before the United States District Court for the Northern District of California, I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: May 22, 2014

/s/ Lester C. Houtz
Lester C. Houtz

CERTIFICATE OF SERVICE

In accordance with Rule 5-5 of the Local Rules of Practice in Civil Proceedings Before the United States District Court for the Northern District of California, I, Lester C. Houtz, hereby certify under penalty of perjury under the laws of the United States of America that on May 22, 2014, a true copy of the above document was filed through the Court's Case Management/Electronic Case Filing ("CM/ECF") System and served by that System upon all counsel of record registered for the System and deemed to have consented to electronic service in the above-captioned case. Any other counsel of record will be served by electronic mail and/or first-class mail on the same date.

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2
3
4 Dated: 5/23/14 , 2014



Honorable Richard Seeborg
United States District Judge